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FOR

The improvement of the position of Tenants in Towns in Ireland. A.D. 1904.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.
COMPENSATION FOR IMPROVEMENTS.

1.—(1) Subject to the provisions of this Act, a tenant of a holding to which this Part of this Act applies, may, on quitting his holding, claim compensation to be paid by the landlord in respect of all improvements on his holding made by him or his predecessors in title, which have added to the letting value of the holding. Tenant's right to compensation for improvements.

(2) In the event of any dispute between a landlord and a tenant with regard to a claim to compensation under this Act, such dispute, unless the parties agree to refer it to arbitration, shall be determined by the court in accordance with the provisions of this Act, and the court in awarding such compensation to the tenant in respect of such improvements, shall, in reduction of the tenant's claim, take into consideration the rent at which such holding had been held, and any benefits which the tenant may have received from his landlord in consideration expressly or impliedly of the improvements made.

2.—(1) A tenant of a holding who is quitting it voluntarily shall not be entitled to any compensation in respect of any improvement when it appears to the court that such tenant has been given permission by his landlord to dispose of his interest in his improvements to an incoming tenant, upon such terms as the court may deem reasonable, and the tenant has refused or neglected to avail himself of such permission. Limitation of tenant's right in certain cases.

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(2) A tenant shall not be entitled to any compensation in respect of any improvement, made either before or after the passing of the Act, which the landlord had undertaken to make, except in cases where the landlord has failed to perform his undertaking within the time agreed on between him and the tenant.

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Landlord's
right to
object.

3.—(1) Where a tenant of a holding proposes, after the passing of this Act, to make improvements in his holding, he shall send to his landlord notice in writing of his intention to make such improvement, together with a specification or plan of the proposed improvements, and if the landlord does not within *one month* after the receipt of the notice send notice of objection in writing to the tenant, the tenant may proceed to make the proposed improvements; but if the landlord sends notice in writing objecting to all or any of the improvements, the tenant may apply to the court, and the court may, if it thinks fit, sanction all or any of the proposed improvements, making such modifications in the specification or plan as the court thinks fit.

(2) A tenant shall not be entitled to claim compensation in respect of any improvements made after the passing of this Act unless he has given notice thereof under this section, and (in case the landlord has given notice of objection thereto) the improvements have been sanctioned by the court.

Conditions
of compensation.

4. Where, in the case of any holding, there are several persons standing in the relation to each other of landlord and tenant, the following provisions shall apply:—

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- (a) Any mesne landlord against whom a claim arises under this Part of the Act shall, at the end of his term, be entitled to claim compensation against his immediate landlord in like manner and on the same conditions as if he had himself made the improvements in question:
- (b) The court shall, if possible, hear together all applications for the sanction of proposed improvements.

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Prohibition
of contract-
ing out.

5. Any contract made by a tenant by virtue of which he is deprived of his right to claim compensation under this part of this Act shall be void.

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Application
to court as
to fair rents.

6. The tenant of any holding to which this Act applies, or such tenant and the landlord jointly, or the landlord after having demanded from such tenant an increase of rent which the tenant has declined to accept, or after the parties have otherwise failed to come to an agreement, may, from time to time, during the

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continuance of such tenancy, apply to the court to fix a fair rent to be paid for the holding, and thereupon, the court, after hearing the parties and having regard to the interest of the landlord and tenant respectively, and considering all the circumstances of the case, holding, and district may determine what is such fair rent.

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The rent fixed by the court shall be deemed to be the rent payable by the tenant as from the period commencing at the rent day next succeeding the decision of the court.

7.—(1) The court for the determination of all matters under this Part of this Act shall be the county court of the county in which the holding in question is situate.

Jurisdiction of the county court.

(2) When hearing any matter under this Part of this Act a county court judge shall sit with two assessors, one of whom shall be nominated by the tenant of the holding in question, and one by the landlord or landlords.

(3) Subject to the provisions of this Act, rules for regulating proceedings in a county court under this Act may be made in accordance with the County Courts (Ireland) Acts, 1851 to 1889.

(4) An appeal shall lie from a decision of a county court judge under this Act on a question of law and not otherwise.

8. Sections sixteen to nineteen, inclusive, and section twenty-one of the Landlord and Tenant (Ireland) Act, 1870, shall so far as they are applicable, apply to proceedings in respect of claims under this Part of this Act, in like manner as to proceedings in respect of claims under that Act.

Proceedings in respect of claims.

9. The holdings to which this Part of this Act applies are houses, shops, and other buildings occupied either for residential or for business purposes.

Holdings to which Act applies.

PART II.

30 RENEWAL OF LEASES AND PURCHASE OF HOLDINGS.

10. Any tenant of a holding to which Part I. of this Act applies, if such tenant holds under a lease, shall be entitled on the expiration of the lease, to a renewal thereof for a period not less than that for which the holding was held under the expired lease, and for the purpose of fixing such rent the provisions of section six of this Act shall, so far as the same are applicable, apply: Provided that any such tenant, in the case aforesaid, shall be

Renewal of leases.

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entitled, at his option, to redeem all superior interests in the holding, including that of the owner in fee, at such price as, in default of agreement, may be fixed by the court.

PART III.

INHABITANT HOUSEHOLDERS AND TENEMENT OCCUPIERS.

Inhabitant
householders
and tenement
occupiers
proceeding
as to rent
fixing on
eviction

11. In the event of any dispute between a landlord and tenant, who shall be either an inhabitant householder or tenement occupier, with regard to raising rent, or capricious eviction, such dispute, unless the parties agree to refer it to arbitration, shall be determined by the court in accordance with the provisions of this Act.

PART IV.

12. The provisions of the Purchase of Land (Ireland) Acts, as amended by the Irish Land Act, 1903, shall apply to any estate whether mainly agricultural or pastoral or otherwise, provided such estate forms portion of a town or village, the population of which does not exceed three thousand persons according to the last published census.

PART V.

ADVANCES UNDER THE SMALL DWELLINGS ACQUISITION ACT, 1899.

Amendments
62 & 63 Vict.
c. 44. with
regard to
Ireland.

13. In the application of the Small Dwellings Acquisition Act, 1899, to Ireland, the following modifications shall be made:—

(1) In subsection one of section one, for the words from “provided that any advance” to the end of the subsection, the following words shall be substituted:—

(a) An advance may be made not exceeding *four hundred pounds*, and not exceeding the amount which, in the opinion of the local authority, is the market value of the house :

(b) Save as aforesaid, an advance shall not exceed *four-fifths* of the amount which, in the opinion of the local authority, is the market value of the house :

(c) An advance shall not in any case exceed *eight hundred pounds* with regard to any one house.

(2) In paragraph (c) of section two, for the word “mortgagee” the word “purchaser” shall be substituted.

PART VI.

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GENERAL.

14. This Act shall come into operation on the *first day of* Commence-
January one thousand nine hundred and five. ment of Act.

5 15. This Act may be cited as the Tenants of Houses and Short title.
Tenements Occupiers (Ireland) Act, 1904.